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TOM LYTHGOE, CHAIR

DAVE KIRSCH

LEONARD WORTMAN

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
March 2, 2010**

Present: : Commissioners Lythgoe, Kirsch and Wortman; Harold Stepper and Mike Hoffman, County Planners; Ike Jessee, Cindy McGinnis and Cindy Larsen, DUI Task Force; Matt Johnson, County Attorney; Kellie Doherty, Personnel Officer; Tony Prothro, Intermountain Consulting Engineers; George Reich, Willow Creek VFD Chief; Scott Swingley, ACI Security; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Barbara Sunderland, Colleen Teeling, Ray Thares, Barb Reider, John Zulke, Marilyn McCauley, Denise Vandolah, Marilyn Vandolah

MINUTES

Commissioner Lythgoe moved to approve the minutes of February 2. Commissioner Wortman seconded. The motion carried.

Commissioner Lythgoe moved to approve the minutes of February 9. Commissioner Kirsch seconded. The motion carried.

Commissioner Lythgoe moved to approve the minutes of February 16. Commissioner Wortman seconded. The motion carried.

REPORTS

Commissioner Lythgoe noted the receipt of the January cash report from the Treasurer.

CORRESPONDENCE

Commissioner Lythgoe read a letter from the Boulder Chamber of Commerce requesting that the expenditure time for the metal mines grant be extended. Commissioner Wortman read an attachment to the letter outlining what the Chamber has accomplished in the past as well as plans for the future.

Commissioner Kirsch moved to grant an extension on their grant, until the grant funds are

expended. Commissioner Wortman seconded. Commissioner Lythgoe asked Jan Anderson if she has any idea how long it would take to expend the remainder of the grant funds. Jan stated that there has been just one employee working under the grant while there are currently two. She estimated that the funds would last through the end of the year.

The motion carried.

Commissioner Lythgoe read a letter from DNRC regarding a RRGL Planning Grant draft report. No one has an idea what this refers to. DNRC will be contacted for information.

Commissioner Lythgoe read a letter from the Boulder VFD requesting funds for the purchase of a new light bar and extraction gloves. They are requesting a total of \$1,449.24. Commissioner Lythgoe stated that we have received requests from the Boulder VFD in the past, some we have granted and some we did not. We did spend a significant amount of money towards the purchase of Jaws of Life equipment several years ago. He stated that for these kinds of purchases, we felt that they have other avenues for funding, including fundraisers and their, albeit small, budget.

Commissioner Wortman stated that if we were going to expend money that isn't budgeted for, would it need to be an agenda item. Commissioner Lythgoe stated that this is probably correct. This will be placed on a future agenda.

Commissioner Lythgoe read a letter from Jeremiah Theys of Great West Engineering requesting that a change order and pay request be signed for the TSEP work done in the replacement of the Quaintance Lane Bridge. Commissioner Lythgoe contacted Jeremiah to make sure that the change order amount of \$2,150 is within the contingency for the project. Jeremiah assured him that there are sufficient funds available. The documents were signed and will be returned to Great West.

CALENDAR REVIEW

3/03 Southwestern Montana Veterans' Home Siting Committee meeting - 9:00

Center for Mental Health - Helena - noon

3/04 Meeting with County Attorney to discuss settlement of legal matter - 3:00

COMMISSION REPORTS

MACo CONFERENCE

Commissioner Lythgoe reported that the Commissioners attended the MACo Conference in Great Falls the previous week.

TRI-COUNTY PLANNING MEETING

Commissioner Wortman reported that on the 18th he and Commissioner Kirsch attended a tri-county planning meeting in Sheridan. An attorney spoke regarding takings and personal property rights.

LOCAL EMERGENCY PLANNING COMMITTEE

Commissioner Wortman reported that he attended the LEPC on the 23rd. They discussed the Emergency Operations Plan that is in the process of being updated.

FAIR BOARD

Commissioner Wortman reported that on the 25th he attended the fair board meeting. They opened bids for the bleacher project, which will be presented at this meeting.

SUBDIVISION REVIEW

PRELIMINARY PLAT REVIEW – PAPA RAY’S MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report on this minor subdivision located in Montana City. The parcel contains 9.99 acres and is proposed to be split into two lots, 4.389 and 5.601 acres in size. Mike noted that the subdivision is currently out of tolerance with zoning regulations in regards to the existing sign.

Mike recommended that preliminary plat approval be granted.

Commissioner Lythgoe asked Mike to go over the sign issue again. Mike stated that a few weeks after the Planning Department received the subdivision application, they became aware that the existing sign does not meet the zoning requirements of the area, as it is larger than allowable and is a LED sign. The developer has applied for a variance, and to move forward more quickly, the variance has been made a condition of approval.

Commissioner Wortman moved to grant preliminary plat approval as conditioned to the Papa Ray’s subdivision. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

CINDY LARSEN – DISCUSS RESTORATIVE COMMUNITY SERVICE PROGRAM

Cindy Larsen presented the Commission with a brochure outlining the Restorative Community Service Program that they have been working on for about a year. They are in the final stages of planning. They have draft mentor manual completed and are working on a training for the mentors. What they need now is a coordinator; someone that will train the mentors and take care of the paperwork from the youth and justice court. They have done a lot of legwork to put this together. There are a couple of options to accomplish this. There is a grant available that closes March 15. She is asking permission to pursue grant to fund a half-time coordinator. The second option, if they are not successful with the grant, is to create the coordinator position with someone that currently works for the county.

Commissioner Lythgoe stated that they would encourage her to go ahead with the grant application. Creating another position would be more difficult however. Cindy stated that the

grant has a 10% hard match requirement which would come to approximately \$2,300.

The agenda for the following week will be amended to add these items for discussion and a decision.

PRESENTATION OF BIDS FOR FAIRGROUNDS BLEACHER PROJECT

Marilyn McCauley, fair board, presented the Commission with a list of the bidders and bids submitted. The base bid includes the foundation work, walls, columns and dirt work and alternate 1 is the slab. The bids were as follows:

Company	Base Bid	Alt #1	Total Bid
Diamond Construction	\$30,659.00	\$28,525.00	\$59,184.00
Sullway Construction	\$45,864.00	\$21,623.00	\$67,487.00
Triple J Dirt Works	\$25,540.00	\$12,255.00	\$37,795.00
Quality Concrete of Montana	\$27,800.00	\$19,400.00	\$47,200.00
William R. Lane Construction	\$23,484.00	\$22,000.00	\$45,484.00
Northside Welding & Fabrication	\$26,759.61	\$20,941.37	\$47,700.97

Commissioner Lythgoe asked if this will complete the bleacher project. Marilyn said that it would not; it would enable the fair board to put the bleachers up. Commissioner Lythgoe asked what has to happen beyond that. Marilyn said that they eventually want to erect a cover for the bleachers. This will enable them to put the bleachers up; they will have to install some angle iron to attach the bleachers to and do the actual installation of the bleachers. Commissioner Lythgoe asked if there is any support in the back. Marilyn said that there is not; this is where the angle iron would come in. Commissioner Lythgoe asked if this would be enough to support the bleachers. Marilyn said that the engineer is working on that; how to get the bleachers to stay up and be safe.

Marilyn stated that they need both the base bid work and the alternate to put the bleachers up. They have \$20,000 metal mines grant funds. Commissioner Lythgoe asked if the engineer has reviewed the bids. Marilyn stated that he has. Commissioner Lythgoe asked if he had a recommendation. Marilyn stated that he was comfortable with and had talked to both of the two lowest bidders.

Commissioner Lythgoe asked Marilyn if she has any idea of what it will cost to tie the bleachers down so that they are safe. Marilyn said that they don't know how much the company that they are working with, that will hopefully come help put the bleachers up, will charge. These are old bleachers that have to be put back together or how much damage they are going to have. This would probably be done under an hourly rate.

Commissioner Lythgoe asked Marilyn if she could try to come up with a cost to anchoring the bleachers by the next meeting. Marilyn stated that she will try her best to come up with a figure.

REQUEST FOR VARIANCE FOR CAMPGROUND SUBDIVISION – ROCKIN’ THE RIVERS/HEADWATERS COUNTRY JAM

Harold Stepper, County Planner, stated that this is a somewhat different approach than what they usually take with subdivision. The developer is requesting three variances up front so that they know how to proceed with the subdivision.

Harold outlined the three requested variances and the Planning Department’s response to each.

The first request was for a variance to the requirement that recreational vehicles must be separated from each other and from other structures by at least 15 feet. The developer is requesting that this be reduced to five feet. Harold stated that the separation requirement is designed to provide enough room for emergency personnel to respond. Also, in case of fire, fire would spread quickly from vehicles to vehicle.

The second request was for a variance to the requirement that density not exceed 25 recreational vehicles per acre of gross site area. The developer states that a variance may be necessary depending on the interpretation of gross site area. Harold stated that the gross site area would be defined as the area utilized for camping or recreational vehicle parking less the concert/vendor area.

The third variance request addresses the requirement that all roads providing access to each camp site must meet county road standards. The developer maintains that the area used for the concert is used for agricultural purposes for most of the year and developing interior roads will have a negative impact on this. Approaches to the highway will need to be upgraded to county and state standards. Widths and grades of internal roadways need to be maintained to county standards or greater to allow for the maximum free movement of pedestrian and vehicular traffic.

Harold recommended that the first two variances not be granted, due to health and safety reasons, and that the variances related to interior roads be granted.

Tony Prothro, Intermountain Consulting Engineers, stated that he represents the Zulke family in regards to this matter. The prospect of what they are trying to create here differs greatly from your traditional RV park/campground. The usage is only associated with an event, and the event is governed by the County’s large event ordinance. The major difference here is that they have a large number of emergency staff on site during the events, as opposed to a traditional campground that has access to emergency/safety personnel, but do not have these personnel on site. Tony outlined the emergency/safety personnel and equipment on site during the events and noted that emergency response plans have been very well thought out.

Regarding the roads, Tony directed the Commissioners to a site layout and explained that there is plenty of room for emergency vehicles and personnel to access each campsite with the current planned layout.

George Reich, Willow Creek Fire Chief, stated that he has been working with the developers since the first concert. Every year after the concert his crew gets together and looks at what went right and if anything went wrong, they work to fix it. They have written a good fire plan that they are comfortable with, and their units patrol 24 hours during the concert. Commissioner Kirsch asked how many units they have up there. George stated that Willow Creek has their Type 6 truck on site and Harrison is there with a type-2 structure truck. George stated that regarding the roads, he likes the way that they are currently laid out.

Scott Swingley, ACI Security, stated that his company specializes in events security, and he has been involved in each of the events held for the last 10 years. In his opinion, the event is getting safer and safer. He has 25 licensed security officers that are patrolling during the event, including the campground area.

Commissioner Wortman stated that the requirements are for 15 feet of separation between camp sites and they are requesting a variance for five feet. He asked Tony if they are willing to negotiate on this distance; five feet seems almost like a parking lot. Tony stated that they tried to come up with something that is workable with the site. A five foot separation would be an improvement over the way it has been in the past. He noted that the sites that are there now are about 40 feet long and 20 feet wide. If they went with the 15 feet of separation, it would totally reduce the amount of spaces available.

Commissioner Wortman asked if the spaces are marked out on the ground. Tony said that the spaces are flagged out. Commissioner Wortman asked if there is any policing of this. John Zulke said that the lots are flagged out and they patrol the area to make sure that everyone stays within their space.

Commissioner Lythgoe asked the width of the roads between the camp sites. John stated that they are 35 to 40 feet wide and are all graveled. They have a water truck that goes through periodically to keep the dust down.

Commissioner Lythgoe stated that he has attended several of the concerts over the years. He hasn't wandered around the camping area much, but with the security they have, with the emergency response available on the site and the sheriff's department doing what they do best, he doesn't see a problem with the way that it is set up.

Commissioner Wortman asked if the area is grazed down before the concert as well as being mowed. John stated that it is.

Commissioner Wortman asked Harold how he responds to the five foot issue. Harold said that he is basically following the subdivision regulations. Commissioner Lythgoe stated that they

have been assured by the promoters that there will be at least five feet of separation between the campers.

Commissioner Wortman moved to grant variance one, two and three. Commissioner Lythgoe seconded. The motion carried.

PROGRESS REPORT – UPDATED SUBDIVISION REGULATIONS

Harold stated that they haven't had a lot of progress lately. Ed Hall, who was heading the review subcommittee, has resigned from the Planning Board. Joann Samson has agreed to take over that position and the subcommittee will be meeting on the 15th of this month. They have one section left to review. They are hoping that they can get the document to the full board for review at the April meeting.

Commissioner Lythgoe asked about the fire protection piece. It was decided that this will have to be dealt with as an addendum, because we are a long way away from coming to a resolution on this with the fire departments.

Commissioner Wortman moved to adjourn. Commissioner Kirsch seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

DAVE KIRSCH, COMMISSIONER

LEONARD WORTMAN, COMMISSIONER